

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

JONATHAN LEE RICHES
also known as
BERNARD MADOFF
doing business as
BERNIE MADOFF

Plaintiff,

V.

ALICE IN WONDERLAND, et al.,

Defendants.

Case No. 1:10-mc-10

Judge Mattice

MEMORANDUM AND ORDER

Before the Court is Plaintiff's Complaint [Court Doc. 1] and a motion to intervene filed by Faisal Shahzad [Court Doc. 2]. After Plaintiff's failure to file an application to proceed *in forma pauperis*, on September 1, 2010, the Court ordered Plaintiff either to file a completed application to proceed *in forma pauperis* or to pay the required filing fee on or before October 1, 2010. [Court Doc. 3] In that order, Plaintiff was specifically warned that his failure to abide by the Court's order and submit the requirement application or fee could result in the involuntary dismissal of his complaint for failure to prosecute pursuant to Fed. R. Civ. Proc. 41(b). Plaintiff has failed either to file a completed application to proceed *in forma pauperis* or to pay the required filing fee.

Accordingly, this action will be **DISMISSED WITH PREJUDICE** for failure to prosecute and to comply with the orders of the court. Fed. R. Civ. P. 41(b). See *Link v. Wabash R.R.*, 370 U.S. 626, 630 (1962); *Steward v. City of Jackson, Tenn.*, 8 Fed. App'x 294, 296 (6th Cir. 2001) (dismissing complaint pursuant to Rule 41(b) where Plaintiff failed

to comply timely with an order to file an application to proceed *in forma pauperis* or to pay the filing fee); *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir.1991) (Rule 41(b) dismissal appropriate for a *pro se* plaintiff's failure to comply with a readily comprehended court deadline).

The Clerk is directed to close the case.

SO ORDERED this 5th day of October, 2010.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE